S.B. CIVIL WRIT PETITION NO.1513/2007
Geeta Devi
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 12.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr.Mahesh Bora,for the petitioner.
Mr.OP Boob, Addl. GA.

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Heard learned counsel for the parties.

Since short point involved in this writ petition as to whether before commencing any proceedings under Section 63 of the Rajasthan Municipalities Act, 1959, the Chairperson of the Municipal Board can be suspended, therefore, at the request of learned counsel for the parties this writ petition is decided finally.

It is admitted case of both the parties that no proceedings under Section 63 before passing order of suspension of petitioner, who was Chairperson of Municipal Board, Abu Road, initiated against the petitioner and the petitioner was suspended only because of the reason that there is a case registered against her under the provisions of Prevention of Corruption Act.

According to petitioner, the petitioner was wrongly implicated in the absolutely false case and she was not caught red handed as stated in the impugned order Annex.P/2. It is also submitted that

even after suspension order dated 1st March, 2007, the respondents failed to initiate any inquiry against the petitioner under Section 63 of the Act of 1959.

Learned counsel for the respondents submitted that it is true that inquiry under Section 63 has not been initiated but they can initiate the inquiry at any time.

In view of very specific provision under sub-section (4) of Section 63 of the Act of 1959 an elected member can be placed under suspension only when proceedings have been commenced under Section 63 of the Act of 1959.

In view of the above reason, the order dated 1st March, 2007 (Annex.P/2) deserves to be quashed and set aside, hence quashed and set aside.

The writ petition of the petitioner is allowed accordingly.

(PRAKASH TATIA), J.

c.p.goyal/-